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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,469	02/19/2004	Charlie Aigeldinger	20008/G009B	4840

34431 7590 09/30/2005

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CHICAGO, IL 60606

EXAMINER
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NGUYEN, KIMBERLY D

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/782,469

Applicant(s)

AIGELDINGER, CHARLIE



Examiner

Kimberly D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49-54 is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

1. The Abstract of the Disclosure is objected to because the use of the legal phraseology, “disclosed”, line 1, is not permitted. Correction is required. See M.P.E.P. § 608.01(b).

### ***Claim Objections***

2. Claims 7, 14, and 21 are objected to because of the following informalities:

On lines 1-2 of claims 7, 14 and 21: “the second barcode character value” lacks of antecedent basis and is treated as “the first barcode character” and/or “the barcode character” as set forth in its independent claim(s) for examination purpose.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Nethery III (US 6,032,863).

Re claims 1-4, 7, and 22-27: Nethery III teaches a method for forming a barcode character, comprising

determining a number of pixels (bits/dots 51 in fig. 7) associated with forming at least a first bar and a second bar (44's in figs. 7-8) of a first barcode character (40 in fig. 6);

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determining at least one separation width value (45 in fig. 7) associated with the first bar and the second bar based on the number of pixels (e.g., the width space 45 is a three bit/pixel column; column 4, lines 19-21);

generating a second separation width value (47 in fig. 7) based on the at least one separation width value (e.g., the width space 47 is a four bit/pixel column while the width space 45 is a three bit/pixel column; column 4, lines 19-21); and

forming the barcode character (40) based on the second separation width value (column 3, line 50 through column 4, line 65).

Re claims 5-6, 12-13, 19-20, 28-30, 38-39, and 47-48: Nethery III teaches the width of the at least one separation width value (45) is less than the width of the second separation width value (47; see figs. 7-8; column 4, lines 8-31).

Re claims 8-11, 14-15-18, 31-37, and 40-46: Nethery III teaches an apparatus for forming a barcode character, comprising a processor system (58 in fig. 13) including a memory (61, 62 in fig. 13); and instructions/programs (as shown in figures 17-19, column 2, lines 17-39) stored in the memory that enable the processor system to:

determining a number of pixels (bits/dots 51 in fig. 7) associated with forming at least a first bar and a second bar (44's in figs. 7-8) of a first barcode character (40 in fig. 6);

determining at least one separation width value (45 in fig. 7) associated with the first bar and the second bar based on the number of pixels (e.g., the width space 45 is a three bit/pixel column; column 4, lines 19-21);

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generating a second separation width value (47 in fig. 7) based on the at least one separation width value (e.g., the width space 47 is a four bit/pixel column while the width space 45 is a three bit/pixel column; column 4, lines 19-21); and

forming the barcode character (40) based on the second separation width value (column 3, line 50 through column 4, line 65).

### *Allowable Subject Matter*

5. Claims 49-54 are allowed.

6. The following is an examiner's statement of reasons for allowance:

The best prior art of record fails to teach or fairly suggest an apparatus for modifying a barcode character, comprising a multiplier; an adder coupled to the multiplier, wherein the adder and the multiplier are configurable to determine a first number of pixels associated with a first barcode character and a second number of pixels associated with a second barcode character; a comparator configurable to compare the first number of pixels to the second number of pixels; and a bar modifier configurable to modify the first barcode character based on the comparison of the first number of pixels and the second number of pixels.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is

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respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402.

The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Kim Nguyen', with a stylized flourish at the end.

KDN

September 27, 2005